

TUESDAY, APRIL 29, 2008, 8:30 a.m.
AT THE WICHITA MARRIOTT HOTEL IN WICHITA, KANSAS
THE KANSAS STATE BOARD OF MORTUARY ARTS' (KSBMA) ANNUAL
REPORT PROVIDED TO THE YEAR 2008 and the 111th ANNUAL
CONVENTION OF THE KANSAS FUNERAL DIRECTORS AND EMBALMERS
(KFDA) ASSOCIATION, titled:
"Stayin' Alive in Funeral Service"

As Presented by KSBMA Executive Secretary Mack Smith

Good morning and greetings on behalf of the Kansas State Board of Mortuary Arts and President Barry Bedene. Thank you, President Larry Enfield, Executive Director Pam Scott, officers and members of the KFDA Board of Directors, members, guests of the Association and the Sales Club for the opportunity to be part of you're the 2008 and the 111th annual convention program and to present the "Annual Report of the Kansas State Board of Mortuary Arts."

It is my pleasure to recognize the members of the Mortuary Arts Board as appointed by Kansas Governor Kathleen Sebelius. They include: President Barry Bedene. Barry is a licensed embalmer and funeral director with Bedene Funeral Home in Arma. Vice President Fred Holroyd from Topeka, who is in attendance this morning. Fred is a licensed embalmer and funeral director and has been with Penwell-Gabel Funeral Homes since 1971. He is the Vice President of Community Development for Penwell-Gabel. Melissa Wangemann is a consumer member from Topeka. Melissa is a Wichita native, and she is an attorney employed full-time as the Deputy Assistant Secretary of State to Kansas Secretary of State Ron Thornburgh; Our other consumer board member is Charles Smith. Charlie is a

retired school administrator with 34 years of service in the Shawnee Mission Public School System, and he resides in Overland Park. Bill Young is a licensed embalmer and funeral director at Maple Hill Funeral Home in Kansas City, Kansas and spent several tours of duty relating to Hurricane Katrina as the Commander/Team-Leader of Disaster Mortuary Operational Response Team—acronym DMORT, Region 7, as well as assisting with numerous other disaster situations through the years.

Our administrative staff consists of Inspector Francis Mills, a licensed embalmer and funeral director who resides in Overbrook and has worked for the board since 1985, who is here this morning; Administrative Specialist and our Office Manager is Mary Kirkham of Valley Falls, who has been with us since July 2001 and is back running the office in Topeka; and myself, Mack Smith, a licensed embalmer and funeral director who resides in Silver Lake and has worked for the board as the executive secretary since 1980.

Legal counsel appointed to the board by Kansas Attorney General Steve Six is Camille Nohe, with Steve Phillips serving as the board's litigation and prosecuting attorney.

You know I like my statistics, so I have some facts and figures for informational purposes. In calendar year 2007 there was a total of 50 complaints filed with the board—one (1) more than in year 2006. 27 were filed by consumers (up three), 15 were filed by regulatory agencies and eight (8) were filed by licensees. Disciplinary action taken by the board includes 14 advisory letters, two license revocations, one public censor of a license, one (1) fine of \$100.00,

four (4) complaints referred to other agencies for possible action with a total of \$1,240.51 refunded to families for services and merchandise not provided to consumers by funeral homes. 13 complaints have been filed so far this year—a pleasant decrease for this time frame of one year ago. In year 2007, the agency had 1,169 consumer contacts and distributed 1,363 informational brochures and memorial planning guides—with these figures not including web site hits and downloads. The informational brochures and memorial planning guides are available upon request at no charge. They are distributed to all Kansas public libraries and can also be printed off the board's web site.

A reminder that as of February 8th this year, except in cases of apprenticeship, all assistant funeral directors must have the equivalent of a high school diploma and pass a written examination prior to licensure. The number of assistant funeral director applicants prior to the change in the law was an all-time high, while the number of applicants since is an all-time low—something we hope will level out over time. It should be noted that current assistant funeral directors were grand fathered in and do not have to meet the new qualifications. Please keep in mind that if a current assistant funeral director fails to pay their license renewal by the due date, the new qualifications automatically kick in—and they would have to pay another application fee, have the equivalent of a high school diploma and would have to pass the written examination.

Legislation to change how state agencies handle adjudicative hearings has been unsuccessful so far this legislative session.

Substitute for House Bill 2618 would change how state agencies handle prosecution of applicants for licensure and licensees charged with breaking the law by requiring the Office of Administrative Hearings and appointed hearing officers to conduct hearings—instead of allowing state boards to handle them as is the current process. The Mortuary Arts Board hopes this legislation is unsuccessful as we believe these cases should be handled within the agency. Changing the process would result in additional costs for hearing officers and expert witnesses—and would result in a waste of expertise currently available within individual boards. The Mortuary Arts Board appreciates the support of the KFDA along with licensees in dealing with this situation. It's safe to say that similar legislation will be introduced again in the future, and we would appreciate any support you can provide.

Two years ago we touched on funeral directing apprenticeships, and I want to mention it briefly again today. The Board wants to emphasize the importance of allowing apprentices the opportunity to observe and participate in all aspects of funeral service during their year of apprenticeship. A regular comment on apprentice and supervising licensees' quarterly progress reports is that the funeral home utilizes a separate employee in the area of preneed. Apprentice funeral directors need the opportunity to at least observe the preneed process—as someday they may be in a position where knowledge of preneed is necessary. Handling a preneed arrangement upon death is helpful, but it doesn't compare to being a part of the preneed process from the very beginning. The definition of an apprentice is: a person learning a skilled practical trade from an

employee/licensee. The key word in the definition is: learning. While some apprentices are in a second or possibly a third career, others have gone directly from high school to mortuary college. While mortuary college includes two semesters of practicum, it is unfair to expect an apprentice to walk through the door of your funeral home with the experience and knowledge of a veteran licensee. The Board hopes you will remember that the apprenticeship is supposed to be a learning experience—with the end result being positive in nature, to the benefit of the apprentice, the supervising licensee, the funeral home and the funeral profession. Apprentices continue to be our future. As supervising licensees, you have an opportunity to be a positive influence, and we hope that is the choice you make.

The Mortuary Arts Board appreciates having an opportunity to present this report as a part of your convention program. If Francis, myself or any other board members can answer your questions, please feel free to visit with us during the remainder of this convention or contact us at our office. We will be glad to assist you in any way we can. We appreciate the continued cooperation and open communication with the KFDA, and on behalf of the board and staff, I wish the association continued success in years to come. Thank you and please enjoy the rest of your convention.

Respectfully submitted:

Mack Smith, Executive Secretary on behalf of

Barry W. Bedene, President

The Kansas State Board of Mortuary Arts

Tuesday, April 29, 2008